



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

DEC 05 2012

REPLY TO THE ATTENTION OF:

E-19J

Norman Stoner, P.E.
Division Administrator
Federal Highway Administration
3250 Executive Park Drive
Springfield, Illinois 62703

Re: **Comments on the Tier 2 Final Environmental Impact Statement for the
Elgin O'Hare-West Bypass, Cook and DuPage Counties, IL, CEQ# 20120353**

Dear Mr. Stoner:

In accordance with U.S. Environmental Protection Agency (EPA) responsibilities under the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act (CAA), we have reviewed the Tier 2 Final Environmental Impact Statement (FEIS) for Elgin O'Hare – West Bypass Project. Our comments on the Draft EIS for this project included diesel emissions, wetland impacts and mitigation proposals, stream and floodplain crossings, water quality and riparian buffers, best management practices (BMP) for stormwater run-off, and mitigation. We recognize and commend the responses to these concerns throughout the FEIS. The following comments follow up on our points regarding alternatives, environmental impacts and mitigation measures.

ALTERNATIVES

On September 6, 2012, we concurred with the Preferred Alternative for this project following extensive meetings and conversations regarding BMP designs and surface water impacts. We commend the many solutions engineered into the final alternative to minimize the impacts of this project.

ENVIRONMENTAL IMPACTS

Air Quality

The NEPA process for this project is concluding just as some new standards and methods are coming into effect for 2.5 microns or less particulate matter (PM2.5) determinations. Since the project has been determined to conform with the current State Implementation Plan (SIP), the emissions anticipated from this roadway are adequately accounted for. Should changes in the

project arise, we would recommend the new modeling and standards effective December 20, 2012, including EPA approved dispersion models, be used to reassess this conformity determination.

We continue to encourage the use of all available best management practices to reduce local temporary construction dust and construction equipment emissions.

Wetlands, Streams and Floodplains

We commend the Federal Highway Administration (FHWA) and the Illinois Department of Transportation (IDOT) for alignment adjustments made to reduce impacts to wetlands, streams and floodplains. EPA will continue to coordinate with the transportation and resource agencies on this project in identifying optimal wetland and stream mitigation sites for permitting. EPA supports combining stream restoration on sites selected for wetland mitigation when appropriate quality mitigation can be included. When considering such mitigation sites, please note our preference for restoration versus creation or upgrading a resource. Our DEIS comments noted the need to adequately mitigate for stream impacts, specifically where wider right-of-way will necessitate extending culvert lengths. As we have stated at meetings, we would also support replacing culverts with three-sided/arched natural bottom structures to reestablish a more natural watercourse under the roadway. We will continue to work with the project on these issues during permitting. We acknowledge that the FEIS notes that project roadways will not be overtopped by a 100-year flood event.

We note the FEIS provides a helpful discussion and commitment regarding riparian buffer functions that need to be retained when this project impacts what little remains of this resource along the project streams.

Stormwater Runoff

As anticipated in our DEIS comments, we participated in development of a BMP plan for this project. We agree that a high quality working plan has been achieved in the Appendix E mapping. We understand further details will be incorporated as final design / engineering proceeds, but the framework provided addresses our previous concerns regarding stormwater runoff.

MITIGATION OF IMPACTS

We have been extensively involved in discussions of potential mitigation of wetlands, streams and stormwater run-off and appreciate the solutions that are under consideration for the project's associated impacts.

We repeat our recommendation that decision makers and the public would be well served by having a complete table of all project impacts and their associated mitigation measures. Tables ES-1,2 and 3, and Table 3-56 provide the reader with a clear understanding of what varied impacts this project will have upon the project area. We commend the FEIS for identifying those

areas where additional work since the DEIS has further minimized many of those impacts. However, the FEIS does not clearly link impacts with planned mitigation measures. The FEIS does not clearly identify, given that this project is planned as a public private partnership, specifically, who will implement the mitigation measures; who will remain responsible for follow-up maintenance where appropriate; what the goals of some mitigation plans are; and how success will be measured.

We appreciate the opportunity to review this document. If you have any questions, or wish to discuss our comments further, please contact me or Norm West of my staff at (312)-353-5692 or at west.norman@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth A. Westlake', written over a horizontal line.

Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Cc: John Fortmann, Illinois Department of Transportation, Region 1
Kristi Lafleur, Illinois Tollway
Shawn Cirton, U.S. Fish and Wildlife Service
Kathy Chernich, U.S. Army Corps of Engineers